

## **EXHIBIT 10**

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

IN RE: CATHODE RAY TUBE (CRT)  
ANTITRUST LITIGATION

Master Case No.: 3:07-cv-05944-SC

[Honorable Samuel Conti]

This document relates to:

**JOINT PRETRIAL CONFERENCE  
STATEMENT**

*Best Buy Co., Inc., et al. v. Hitachi, Ltd., et al.*,  
No. 11-cv-05513-SC

*Best Buy Co., Inc., et al. v. Technicolor SA, et  
al.*, No. 13-cv-05264-SC

*Sears, Roebuck and Co., et al. v. Technicolor SA*, No. 13-cv-05262

*Sears, Roebuck and Co. and Kmart Corp. v. Chunghwa Picture Tubes, Ltd.*, No. 3:11-cv-05514-SC

*Alfred H. Siegel as Trustee of the Circuit City Stores, Inc. Liquidating Trust v. Hitachi, Ltd., et al.*, No. 3:11-cv-05502-SC

*Siegel v. Technicolor SA, et al.*, No.13-cv-05261

*Sharp Electronics Corp., et al. v. Hitachi Ltd., et al.*, No. 13-cv-1173 SC

*Sharp Electronics Corp., et al. v. Koninklijke Philips Elecs., N.V., et al.*, No. 13-cv-2776 SC.

*Target Corp, et al. v. Chunghwa Picture Tubes, Ltd., et al.*, No. 3:11-cv-05514-SC

*Target Corp. v. Technicolor SA, et al.*, No. 13-cv-05686

*Viewsonic Corporation v. Chunghwa Picture Tubes Ltd., et al.*, No.13-cv-02510

Plaintiffs Best Buy Co., Inc., Best Buy Purchasing LLC, Best Buy Enterprise Services, Inc., Best Buy Stores, L.P., and BestBuy.com, LLC, (“Best Buy”); Alfred H. Siegel, solely in his capacity as Trustee of the Circuit City Stores, Inc. Liquidating Trust (“Circuit City”); Sharp Electronics Corporation and Sharp Electronics Manufacturing Company of America, Inc. (“Sharp”); Sears, Roebuck and Co., and Kmart Corporation (collectively “Sears and Kmart”); Target Corp., ( “Target”); and ViewSonic (“ViewSonic”), and defendants [insert current defendants] hereby submit this Joint Pretrial Conference Statement.

**I. The Action**

**A. Substance of the Action**

**1. Plaintiffs’ Statement**

1 The Plaintiffs have brought federal antitrust claims against various manufacturers of  
 2 Cathode Ray Tubes (“CRT”) and CRT products, alleging that defendants and their co-conspirators  
 3 engaged in a long-running conspiracy to reduce competition by fixing, raising, maintaining, or  
 4 stabilizing the price of CRTs; limiting the production of CRTs; allocating customers or market  
 5 shares; and/or exchanging information which had the purpose of and resulted in CRTs being  
 6 priced higher than they otherwise would have been. Because of defendants’ illegal conspiracy,  
 7 plaintiffs paid higher prices for CRTs and CRT products than they would have but for the  
 8 conspiracy, thereby suffering damages. Best Buy has also brought the same claim under the  
 9 Minnesota Antitrust Act. Sharp additionally contends that the defendants and their co-  
 10 conspirators exchanged competitively sensitive information for the purpose of causing prices for  
 11 CRTs sold in the United States to be at anticompetitive levels during the relevant period,  
 12 evidencing a per se violation of federal antitrust law and/or a violation of federal antitrust law  
 13 under a rule of reason analysis. The relevant product market for this rule of reason analysis is  
 14 CPTs. The relevant geographic market for this rule of reason analysis is at least North America.

15 Defendant Samsung SDI pled guilty to price-fixing before this Court, and paid a \$32  
 16 million dollar fine. Chunghwa was afforded amnesty by the Department of Justice under  
 17 ACPERA.

18 On December 5, 2012, the European Commission (“EC”) issued a Provisional Decision  
 19 finding that certain defendants participated in meetings and other competitor contacts with the  
 20 aim of fixing CRT prices worldwide, allocating market shares and customers, and restricting  
 21 output. The parties to the proceeding were Chunghwa Picture Tubes, Co., Ltd., Chunghwa Picture  
 22 Tubes (Malaysia) Sdn. Bhd., CPTF Optronics Co., Ltd., Samsung SDI Co., Ltd., Samsung SDI  
 23 Germany GmbH, Samsung SDI (Malaysia) Berhad, Koninklijke Philips Electronics N.V., LG  
 24 Electronics, Inc., Technicolor S.A. (formerly known as Thomson S.A.), Panasonic Corporation  
 25 (formerly known as Matsushita Corporation), Toshiba Corporation, and MT Picture Display Co.,  
 26 Ltd. (“MTPD”). After a multi-year investigation, the EC found the existence of a CDT cartel and  
 27 a CPT cartel, running from at least October 1996 until until November 2006 . The EC found that  
 28 each of the named defendants had participated in the cartels for CDTs, CPTs, or both, and, with

the exception of Chunghwa, as the immunity applicant, fined them substantial sums. The Samsung entities were fined € 69,418,000 for their participation in the CDT cartel, and € 81,424,000 for their participation in the CPT cartel. (This figure reflects a 40% reduced fine as a result of their cooperation pursuant to a Leniency Notice.) Panasonic Corporation was fined € 157,478,000 for its participation in the CPT cartel prior to the formation of the MTPD joint venture with Toshiba, € 86,738,000 for the joint venture period (jointly and severally with MTPD and Toshiba), and € 7,885,000 for the joint venture period (jointly and severally with MTPD). Toshiba Corporation was fined € 28,048,000 for its participation in the CPT cartel prior to the formation of the MTPD joint venture with Panasonic, and € 86,738,000 for the joint venture period (jointly and severally with MTPD and Panasonic). MTPD was fined € 86,738,000 (jointly with Toshiba and Panasonic) and € 7,885,000 (jointly with Panasonic) for its participation in the CPT cartel. Koninklijke Philips Electronics N.V. was fined € 69,048,000 for its participation in the CDT cartel and € 322,892,000 for its participation in the CPT cartel. (This figure reflects a 30% reduced fine as a result of its cooperation pursuant to a Leniency Notice.) LG Electronics, Inc. was fined € 29,593,000 for its participation in the CDT cartel and € 138,383,000 for its participation in the CPT cartel. Technicolor SA was also fined for its participation in the CPT cartel.

Plaintiffs contend that the conspiracy included the remaining defendants, the former defendants, and other identified co-conspirators. The conspirators included companies headquartered in France, Japan, South Korea, and Taiwan, nearly all of which had U.S. subsidiaries that were also involved in the conspiracy. The conspiracy directly targeted customers in the United States.

## 2. Defendants' Statement

[TO BE INSERTED BY DEFENDANTS]

### B. Relief Prayed

#### 1. Best Buy's Statement

Best Buy seeks to recover the overcharges it paid to the conspirators and their affiliated or controlled companies as direct damages under the Sherman Act. Its damages expert, Dr. Alan

1 market overall and for certain CDT customers; (e) issued price quotations and reduced output in  
2 accordance with the agreements reached; and (f) exchanged information on sales, production,  
3 market share, and pricing of CDTs, for the purpose of monitoring and enforcing adherence to the  
4 agreed-upon prices, output reduction, and market share allocation.

5 3. Several of the entities that sold CRT finished products to plaintiffs were owned or  
6 controlled by members of the conspiracy, or in turn owned or controlled members of the  
7 conspiracy.

## 8 **2. Defendants' Statement**

9 [DEFENDANTS TO INSERT]

### 10 **B. Disputed Factual Issues**

#### 11 **1. Plaintiffs' Statement**

12 There is a factual dispute about the membership, scope, and duration of the conspiracy.  
13 The Retailer Plaintiffs and Viewsonic contend that the global conspiracy began at least by 1995,  
14 and the Sharp Plaintiffs contend that the conspiracy involving information exchanges specifically  
15 on or about the North American CPT market began at least by 1997. All plaintiffs contend that  
16 the conspiracies included more conspirators than merely those who were charged criminally or  
17 received amnesty. Plaintiffs contend that there was a single conspiracy that affected the prices of  
18 CRTs. Additional disputed issues include:

- 19 • Whether the anticompetitive conduct of defendants and their co-conspirators caused prices  
20 of CRTs to be increased, maintained, or stabilized above competitive levels;
- 21 • Whether the conspirators agreed to and in fact limited the supply of CRTs;
- 22 • Whether defendants and co-conspirators fraudulently concealed the existence of price-  
23 fixing conspiracy;
- 24 • Whether plaintiffs were injured by the conduct of defendants and their co-conspirators;
- 25 • The quantum of damages suffered by plaintiffs; and
- 26 • The degree of ownership or control the sellers of CRT Products had over the conspirators,  
27 and the degree of ownership or control the conspirators had over the sellers of CRT  
28 products.